

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services- State Audit Department - Sri R. Hari Prakash, Deputy Director, State Audit, Vishakhapatnam –Article of charges framed- Dropping of further action -Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.RT.No. 1216

Dated: 24-04-2020.

Read the following:-

1. G.O.Rt.No.3841, Finance (Admn.II) Department, dated 13-09-2012.
2. G.O.Rt.No.2350, Finance (Admn.II) Department, dated 07-06-2013.
3. G.O.Rt.No.4190, Finance (Admn.II) Department, dated.22.13.2013.
4. G.O.Rt.No.3834, Finance (Admn.II) Department, dated.29.10.2013.
5. G.O.Rt.No.2218, Finance (Admn.II) Department, dated 27-11-2017.
6. Progs.Roc.No.8110/L/2011-16 dt.30-01-18 of the Director of State Audit, A.P.
7. Explanation dt.18-02-19 of Sri R. Hari Prakash, Regional Deputy Director, Vishakhapatnam.
8. E-File No.DSA-21021/3/2019 received from the Direct of State Audit, Andhra Pradesh
9. Application of Sri R. Hari Prakash, Deputy Director, Stated Audit, dated.19.10.2019.

ORDER :

In the reference 1st read above, it was proposed to hold an inquiry against Sri R. Hari Prakash, Deputy Director, Stat Audit, the then Examiner of Accounts, Municipal Corporation of Tirupati, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (classification, control and Appeal) Rules 1991 on certain allegations leveled against him and certain Article of charges were framed against the delinquent officer. The following Article of charges framed against the Accused Officer.

Charge-I: That the deputy director, working as Examiner of Accounts, Municipal Corporation, Tirupati purchased lands near Chengareddipally village near International Airport, Tirupati, by borrowing huge amount as debt/loans and became insolvent in the process of repayment of debts/loans incurred which amounts to violation of Rule-8 of the APCS (Conduct) Rules, 1964 dealing with lending borrowing and insolvency.

Charge-II: That the Deputy Director working as Examiner of Accounts, Municipal Corporation, Tirupati purchased lands near Chengareddipally Village near International Airport, Tirupati and such an acquisition of immovable property without the permission of the Competent Authority amounts to violation of Rule-9 of the APCS (Conduct) Rules, 1964.

Charge-III: That the Deputy Director working as Examiner of Accounts Municipal Corporation, Tirupati purchased lands near Chengareddipally village near International Airport, Tirupati and dabbled into Real-estate Business which amounts to violation of Rule-10 of APCS (Conduct) Rules, 1964.

2. In the reference 5th read above, in exercise of the powers conferred by Sub-Rule 2 of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991, orders were issued appointing Sri. V. Srinivas, Joint Director, Works and Accounts as Inquiry Officer and Sri. Reddy Srinivas, Joint Director APGLI as presenting Officer to inquire into the charges framed against Sri R. Hari Prakash, Deputy Director, State Audit. In the reference 6th read above, proceedings were issued as to communicate the Inquiry report to the Accused Officer with instructions to submit his explanation within 15 days from the date of receipt of the orders.

3. As per the Inquiry Report, out of the three charges, charge-II is only held proved. In the reference 7th read above, the Accused Officer while denying the charges framed against him, had submitted his explanation and requested to drop the charges based on the following:

- A) The charge No II that was proved is absolutely biased and baseless because he submitted his statement of defense with complete information about the circumstances that drove the situation to Register the land on his name. It was not the land purchased for him but for Sri Harinath Reddy and others of his friends and the same was also admitted by Sri Harinath Reddy in his letter of compliant made against the AO to the department.
- B) Only to facilitate his friends, the circumstances that made the transaction difficult to register the property in their name, the AO agreed to get the property registered in the name of the AO and accordingly to their request the land was transferred to one of their partners later. But due to some differences that arose among them, some property was left in the name of the A.O., till the dispute among them is resolved. It is also a proven fact since the entire property was in court dispute and remained unsettled till the court disposes the case on merits. Therefore it is very clear that the property was not possible to claim as of the AO's till the case is finalised in the court.
- C) The registration of property was only a temporary measure to avoid their partnership complications and it was done accidentally without any pre plan and prior application for permission could not be made. Until and unless the court resolves the mater the question of taking permission will not arise.
- D) Though it is not of AO's property in spite of these circumstances that prevailed it would have been misleading the department, if the A.O. had applied for permission. It is not the case of amassing wealth with Illegal money because the complainant Sri Harinath Reddy admitted in his complaint that he had given money for purchasing property in the name of

his son. Hence it is clear in evidence that the property transaction was done merely for him and his partners. But as the transaction had fallen into dispute, he made a compliant in this way in order to bring the AO into his line. This point also should have been taken into consideration while finalising the enquiry report.

- E) The complaint paper by the complainant on which the total enquiry followed itself confirms as an evidence that the land acquired for Sri Harinath Reddy and others; It is also felt not desirable to apply for permission to acquire the said property which was invested by Harinath Reddy and others as clearly admitted by them. At this stage the AO could neither get rid of his name as the issue was subjudice nor transfer it to Sri Harinath Reddy or his partners.
- F) For property transactions in general and for the land purchases in particular, most of the cases will be applied for post ratifications but not for prior permissions because of competitions and complications in the market. But though the A.O. had no intension to avoid the departmental procedures, prior permission could not be applied for, because it was not of the AO's property. Hence, it is not a case of violation of conduct rules in true spirit.

4. In the circumstances stated by the Director of State Audit and with reference to the material on record, Government, after careful examination of the findings of the Inquiry report and satisfied with the explanation of the individual, observed that no violation of A Rules has been taken place and the action of the Accused Officer is not motivational to mislead the Department and no pecuniary loss to the Government has been done.

5. Government, after careful examination of the material on record and explanation of the charged officer Sri R. Hari Prakash, Deputy Director, State Audit Department, hereby decide to drop the action against him duly exonerating from the charges framed.

6. This order is available online and can be accessed at <http://goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K. VEERA VENKATA SATYANARAYANA
SPECIAL SECRETARY TO GOVERNMENT (B&IF)

To

The Director of State Audit, Andhra Pradesh, Ibrahimpatnam.

Sri R. Hari Prakash, Regional Deputy Director, State Audit, Vishakhapatnam - (through the DSA, A.P.)

Copy to:

The PS to the Hon'ble Minister for Finance/PFS/Spl. Secy.(B&IF)

SF/SC's

//FORWARDED :: BY ORDER//

SECTION OFFICER